

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File No. EB-02-NF-141
	)	
SpectraSite Communications, Inc.	)	NAL/Acct. No. 200332640008
	)	
Cary, North Carolina	)	FRN # 0006-1525-73

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: October 27, 2003**

**Released: October 31, 2003**

By the Commission:

**I. INTRODUCTION**

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find SpectraSite Communications, Inc. (“SpectraSite”) apparently liable for a forfeiture in the amount of one hundred twenty thousand five hundred dollars (\$120,500) for willful and repeated violations of Sections 303(q) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> and Sections 17.51(b) and 17.4(a) of the Commission’s Rules (“Rules”).<sup>2</sup> Specifically, we find SpectraSite apparently liable for its apparent willful and repeated failure to exhibit required obstruction lighting and failure to register its antenna structure.

**II. BACKGROUND**

2. The Commission’s antenna structure construction, marking and lighting requirements operate in concert with Federal Aviation Administration (“FAA”) regulations to ensure that antenna structures do not present hazards to air navigation. Generally, our rules require that antenna structures located close to airports or that are greater than 60.96 meters (200 feet) in height comply with painting and lighting specifications designed to ensure air safety.<sup>3</sup> Each new or altered antenna structure must conform to the FAA’s painting and lighting recommendations as a condition set forth in the structure’s FAA Determination of No Hazard to Air Navigation. The FAA painting and lighting recommendations are mandatory.<sup>4</sup> Because of the substantial public safety issues involved, we further require antenna structure owners to monitor lights daily or install automatic alarm systems to ensure lights function properly.<sup>5</sup> Additionally, antenna structure owners must immediately notify the FAA when certain structure lights malfunction and cannot be repaired within 30 minutes.<sup>6</sup> Upon receipt of such notification, the FAA then issues a Notice to Airmen (“NOTAM”) advising pilots of an antenna structure at a specific location with a temporary light malfunction.

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<sup>1</sup> 47 U.S.C. § 303(q).

<sup>2</sup> 47 C.F.R. §§ 17.51(b) and 17.4(a).

<sup>3</sup> 47 C.F.R. § 17.21.

<sup>4</sup> 47 C.F.R. § 17.23.

<sup>5</sup> 47 C.F.R. § 17.47.

<sup>6</sup> 47 C.F.R. § 17.48.

3. For antenna structures that require notice of proposed construction to the FAA,<sup>7</sup> we require the antenna structure owners to register the structures with the Commission and post Antenna Structure Registration (“ASR”) numbers at the base of the antenna structures so that anyone may easily and quickly contact the owner if problems (e.g., lighting malfunctions) arise.<sup>8</sup> In addition, structure owners must notify the Commission when the ownership of a structure changes or when ownership information changes.<sup>9</sup> The rules requiring antenna structure registration have been in effect since 1996.<sup>10</sup>

4. Commission field agents regularly inspect antenna structures to determine compliance with the Commission’s antenna structure rules and promptly respond to complaints of unlighted towers. The FAA also routinely notifies Commission field offices when owners either fail to report the repair of malfunctioning lights within 15 days or repeatedly request extension of a NOTAM.

5. During routine inspections of antenna structures owned by SpectraSite, from July 21, 2000 to October 27, 2000, Commission field agents discovered four antenna structures that did not have the ASR numbers posted as required and three antenna structures for which SpectraSite failed to notify the Commission of ownership changes. These violations resulted in the Enforcement Bureau’s issuance of an *NAL* in the amount of \$17,000 to SpectraSite on January 16, 2001.<sup>11</sup> On March 5, 2001, Commission field agents discovered an unlighted SpectraSite tower near Ocala, Florida. This violation of the antenna structure lighting requirements resulted in the Enforcement Bureau’s issuance of an *NAL* in the amount of \$10,000 to SpectraSite on April 25, 2001.<sup>12</sup> From April 24, 2001 to December 17, 2001, Commission field agents uncovered further violations of the Commission’s antenna structure rules by SpectraSite, and issued a number of Notices of Violation, including one instance of failure to post the ASR number, one instance of failure to register an antenna structure, and three instances of failure to repair or replace antenna structure lights, indicators, controls and alarm systems as soon as practicable. These violations resulted in the Commission’s issuance of an *NAL* for monetary forfeiture in the amount of \$111,000<sup>13</sup> to SpectraSite and a warning that “future violations would result in even more serious enforcement action” on April 25, 2002.<sup>14</sup>

6. On November 4, 2002, the Commission’s Norfolk, Virginia Resident Agent Office (“Norfolk Office”) received information that a recently constructed, unpainted, antenna structure located on Sesame Street in Richmond, Virginia, exhibited no obstruction lighting.

7. On November 5, 2002, an agent from the Norfolk Office went to the area of the reported light outage. The agent found six antenna structures on or near Sesame Street, all within one kilometer of each other. The tallest structure of the group (N37-30-45.5, W77-36-3.9), a 312.8 meter tower, appeared recently constructed, had no ASR number displayed, and exhibited no obstruction markings or paint. A

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<sup>7</sup> 47 C.F.R. § 17.7.

<sup>8</sup> 47 C.F.R. § 17.4.

<sup>9</sup> 47 C.F.R. § 17.57.

<sup>10</sup> Antenna structure owners were required to register existing antenna structures during a two-year filing period between July 1, 1996 and June 30, 1998, and to register new antenna structures prior to construction. *Streamlining the Commission’s Antenna Structure Clearance Procedure*, 11 FCC Rcd 4272 (1995).

<sup>11</sup> *SpectraSite Communications, Inc.*, 16 FCC Rcd 809 (Enf. Bur. 2001), *forfeiture ordered*, 16 FCC Rcd 6773 (Enf. Bur. 2001) (paid in full).

<sup>12</sup> *SpectraSite Communications, Inc.*, (Enf. Bur., Tampa Office rel. Apr. 25, 2001), *forfeiture ordered*, 16 FCC Rcd 17668 (Enf. Bur. 2001) (paid in full).

<sup>13</sup> *SpectraSite Communications, Inc.*, 17 FCC Rcd 7884 (2002), *request for partial reduction granted*, 17 FCC Rcd 19900 (2002) (\$6,000 forfeiture amount for failure to post the ASR cancelled, remaining amount paid).

<sup>14</sup> *Id.* at 7884.

nearby, 180.9 meter structure (N37-30-45, W77-36-06) located on Sesame Street bore ASR number 1018227 and exhibited chipped and faded paint. Commission records indicate that SpectraSite is the owner of the 312.8 meter antenna structure on Sesame Street and it is assigned the same ASR number displayed on the nearby 180.9 meter tower which is also owned by SpectraSite.<sup>15</sup> The ASR for the 312.8 meter tower prescribed that obstruction lighting be continuously exhibited. The agent observed no lighting exhibited on either of the two structures. Also on November 5, 2002, the Norfolk Office agent spoke with a specialist at the FAA Flight Service Station covering the Richmond, Virginia area. The FAA specialist said that the station had not received any report of a lighting malfunction for any antenna structure near the coordinates of the structures on Sesame Street in Richmond, Virginia. The agent informed the FAA Specialist that the antenna structure bearing ASR number 1018227 was not lighted.

8. On November 6 and 7, 2002, the Norfolk Office agent again observed the taller, unpainted antenna structure on Sesame Street in Richmond, Virginia, and found all lights on the structure extinguished. On November 6, 2002, the agent interviewed an employee of WCVE-TV, Richmond, Virginia, at the station's studio located at the base of the antenna structures. The WCVE-TV employee stated that the taller structure was completed three to four months earlier and that, as far as he knew, the structure had never exhibited lights.

9. On November 7, 2002, the agent found that the sign with the ASR number was no longer posted at the shorter 180.9 meter tower but instead the sign was leaned up against the 312.8 meter unlighted tower. The agent interviewed the Director of Program Management for SpectraSite Broadcast Group who stated that SpectraSite owned both the 180.9 meter structure and the new 312.8 meter structure on Sesame Street in Richmond, Virginia. The 180.9 meter structure was originally registered with ASR number 1018227. SpectraSite's Director provided a copy of FCC Form 854 "Application for Antenna Structure Registration" filed on January 3, 2002. The application was annotated "Modification of a registered antenna structure." The Director stated that SpectraSite's plan was to replace the shorter structure with the newer, taller 312.8 meter structure by February 1, 2003. The Director provided a copy of FAA Form 7460-2 "Notice of Actual Construction or Alteration" indicating that SpectraSite completed construction of the 312.8 meter structure on July 17, 2002. He also provided a copy of the FAA's Determination of No Hazard to Air Navigation that cleared the construction of the 312.8 meter structure provided that the structure exhibited obstruction lighting.<sup>16</sup> Regarding the lack of lighting on the 312.8 meter structure, the Director informed the agent that during construction, SpectraSite had maintained temporary red lighting, but he was not sure why the lighting was removed. The Director also stated that SpectraSite's tower crew had removed the lighting sometime around the second week in October. Finally the Director stated that he did not know why the permanent lights were not exhibited.

10. On January 24, 2003, the Norfolk Office agent telephonically interviewed the Vice President for Broadcast Operations of Commonwealth Public Broadcasting Corporation ("CPBC"), licensee of Station WCVE-TV. CPBC's Vice President stated that both the 180.9 meter structure and the 312.8 meter structure remained standing, and that CPBC's plans included the use of both structures. The Commission's ASR database still showed ASR number 1018227 to be registered to SpectraSite for a 312.8 meter structure on Sesame Street in Richmond, Virginia, and no registration for its 180.9 meter structure also on Sesame Street.

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<sup>15</sup> It appears from the record that when SpectraSite modified its ASR number 1018227 to register its newly built 312.8 meter structure, it left unregistered its 180.9 meter structure, which had been originally been assigned ASR number 1018227.

<sup>16</sup> FAA, *Determination of No Hazard to Air Navigation*, Aeronautical Study Number 99-AEA-0874-OE, issued May 24, 2000.

### III. DISCUSSION

11. Section 303(q) of the Act states that antenna structure owners shall maintain the painting and lighting of antenna structures as prescribed by the Commission. Section 17.21 of the Rules states that painting and lighting are required for antenna structures that exceed 60.96 meters, except when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation.<sup>17</sup> Section 17.51(b) of the Rules requires that all high intensity and medium intensity obstruction lighting shall be continuously exhibited unless otherwise specified. Pursuant to its ASR, SpectraSite's 312.8 meter antenna structure on Sesame Street in Richmond, Virginia must exhibit high intensity white obstruction lighting. In addition, the FAA's Determination of No Hazard to Air Navigation for SpectraSite's 312.8 meter structure conditioned that determination on the structure being lighted. The FAA's specifications are made mandatory by Section 17.23 of the Rules.<sup>18</sup> SpectraSite completed construction of this structure on July 17, 2002. During our inspections on November 5, 6, and 7, 2002, SpectraSite failed to exhibit any of the required obstruction lighting on its 312.8 meter structure.<sup>19</sup>

12. While the 180.9 meter tower also exhibited no lighting, this does not violate our rules. Pursuant to a request by the previous owner of the tower, the FAA exempted the tower from its painting and lighting requirements on April 15, 1988 because it was shielded by an adjacent structure.<sup>20</sup> Accordingly, under Section 17.21(b) of our rules, we find that the absence of such marking would not impair the safety of air navigation, and that our painting and lighting requirements do not apply to this tower.

13. Section 17.4(a) of the Rules requires that the owner of any proposed or existing antenna structure that requires notice of proposed construction to the FAA must register the structure with the Commission. SpectraSite is the owner of the 180.9 meter tower originally assigned ASR number 1018227 located on Sesame Street in Richmond, Virginia. This antenna structure would have required notice of proposed construction to the FAA because it exceeds 60.96 meters in height.<sup>21</sup> SpectraSite also owns the 312.8 meter antenna structure also located on Sesame Street in Richmond, Virginia, that it constructed on July 17, 2002 and which now is assigned ASR number 1018227. Both structures co-existed from at least July 17, 2002 to January 24, 2003. SpectraSite's reassignment of the ASR number from its 180.9 meter tower to its 312.8 meter tower left the 180.9 meter tower unregistered in violation of Section 17.4(a) of the Rules.

14. Based on the evidence before us, we find that SpectraSite apparently failed to exhibit required antenna structure obstruction lighting on its 312.8 meter antenna structure located on Sesame Street in Richmond, Virginia, on November 5, 6, and 7, 2002, in willful<sup>22</sup> and repeated<sup>23</sup> violation of Section

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<sup>17</sup> 47 C.F.R. § 17.21.

<sup>18</sup> 47 C.F.R. § 17.23.

<sup>19</sup> On November 7, 2002, after the inspection, the agent received information from SpectraSite that it had finished the lighting connections and the antenna structure was lighted on that date.

<sup>20</sup> See Letter to Central Virginia Educational Television Corporation from FCC - Antenna Survey Branch (April 15, 1988).

<sup>21</sup> 47 C.F.R. § 17.7.

<sup>22</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act . . . ." See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

<sup>23</sup> As provided by 47 U.S.C. § 312(f)(2), a continuous violation is "repeated" if it continues for more than one day. The *Conference Report* for Section 312(f)(2) indicates that Congress intended to apply this definition to Section 503 (continued....)

303(q) of the Act and Section 17.51(b) of the Rules and apparently failed to register its 180.9 meter antenna structure located on Sesame Street in Richmond, Virginia, in willful and repeated violation of Section 17.4(a) of the Rules, once it shifted ASR number 1018227 from its 180.9 meter structure to its 312.8 meter structure on March 21, 2002, the date the Commission authorized SpectraSite's use of ASR number 1018227 for the new 312.8 meter structure. Because the tower is over 60.96 meters, thus requiring notice of proposed construction to the FAA, it is still required to be registered.<sup>24</sup>

15. Section 503(b) of the Act,<sup>25</sup> authorizes the Commission to assess a forfeiture for each willful or repeated violation of the Act or of any rule, regulation, or order issued by the Commission under the Act. In exercising such authority, we are to take into account "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."<sup>26</sup>

16. Pursuant to *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines ("Forfeiture Policy Statement")*<sup>27</sup> and Section 1.80 of the Rules,<sup>28</sup> the base forfeiture amount for failure to comply with prescribed lighting and marking requirements is \$10,000 for each violation. The base forfeiture amount for failure to file required forms or information (e.g., failure to file an antenna registration form) is \$3,000 for each violation.

17. Application of the base amounts to SpectraSite's violations results in an initial proposed forfeiture of \$3,000 for failure to register an antenna structure and \$10,000 for failure to comply with prescribed lighting requirements. Thus, the total base forfeiture amount for SpectraSite's violations is \$13,000.

18. We are concerned with SpectraSite's continued pattern of antenna structure violations. We have previously stressed the importance of full compliance with the antenna structure rules because of the potential danger to air traffic safety, including the rules designed to enable us to readily locate antenna structure owners.<sup>29</sup> We are particularly troubled that SpectraSite continues to violate these rules despite receiving three forfeiture assessments within less than three years for at least 13 instances of failure to comply with the antenna structure rules. The prior forfeiture actions put SpectraSite on notice that the Commission considers violations of the antenna structure construction, marking, and lighting rules to be serious safety-related infractions, yet SpectraSite apparently failed to take adequate steps to ensure its future compliance in this area. SpectraSite's continuing violation of the antenna structure requirements evinces a pattern of non-compliance with, and apparent disregard for, these safety-related rules. Finally, SpectraSite has been warned that further violations will result in even more serious enforcement action.<sup>30</sup>

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(...continued from previous page)

of the Act as well as Section 312. See H.R. Rep. 97<sup>th</sup> Cong. 2d Sess. 51 (1982). See *Southern California Broadcasting Company*, 6 FCC Rcd 4387, 4388 (1991) and *Western Wireless Corporation*, 18 FCC Rcd 10319 at fn 56 (2003).

<sup>24</sup> See 47 C.F.R. §§ 17.4 and 17.7.

<sup>25</sup> 47 U.S.C. § 503(b).

<sup>26</sup> 47 U.S.C. § 503(b)(2)(D).

<sup>27</sup> 12 FCC Rcd 17087 (1997), *recon. denied* 15 FCC Rcd 303 (1999).

<sup>28</sup> 47 C.F.R. § 1.80.

<sup>29</sup> *AT&T Wireless Services, Inc.*, 17 FCC Rcd 7891, 7896 (2002), *forfeiture ordered*, 17 FCC Rcd 21866 (2002) (forfeiture amount reduced from \$153,000 to \$117,000).

<sup>30</sup> See, e.g., *SpectraSite Communications, Inc.*, 17 FCC Rcd 7884 at 7884.

Accordingly, we believe an upward adjustment of the base forfeiture amount is warranted.<sup>31</sup> Applying the *Forfeiture Policy Statement* and statutory factors (e.g., nature, extent and gravity of the violation and the history of prior offenses)<sup>32</sup> to the instant case, we conclude that assessment of the maximum statutory forfeiture amount of \$33,000 (\$10,000 per day base amount plus \$1,000 per day upward adjustment for prior violations of FCC requirements) for SpectraSite's apparent violation of Section 17.51(b) of the Rules on November 5, 6, and 7, 2002, and assessment of the maximum statutory forfeiture amount of \$87,500 for its apparent continuing violation, from March 21, 2002,<sup>33</sup> of Section 17.4(a) of the Rules is warranted.<sup>34</sup> Therefore, we find SpectraSite apparently liable for a forfeiture in the amount of \$120,500.<sup>35</sup>

19. Additionally, we note that a search of the Commission's ASR database reveals that as of September 16, 2003, SpectraSite still had not registered its 180.9 meter structure with the Commission. Accordingly, we will require, pursuant to Section 308(b) of the Act,<sup>36</sup> that SpectraSite submit a report to the Enforcement Bureau within 30 days of the release date of this *NAL* demonstrating that it has filed an antenna structure registration application for its 180.9 meter structure on Sesame Street in Richmond, Virginia. Moreover, because SpectraSite has a history of non-compliance with the Commission's antenna structure rules, pursuant to Section 308(b) of the Act, we will also require SpectraSite to submit a report to the Enforcement Bureau that details a plan for ensuring that all of its antenna structures are in compliance with the Commission's Rules and a plan for maintaining future compliance. This report shall also be submitted within 30 days of the release date of this *NAL*.

20. Finally, we are troubled that our field agents, in the context of routine enforcement responses and sample inspections, continue to uncover additional antenna structure rule violations by SpectraSite. Therefore, to the extent appropriate after its review of SpectraSite's report, we direct the Enforcement Bureau to conduct further investigation of SpectraSite's overall level of compliance with the Commission's antenna structure painting, lighting and registration requirements and to take or recommend where appropriate additional enforcement action against SpectraSite.

#### IV. ORDERING CLAUSES

21. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Section 1.80 of the Rules, SpectraSite Communications, Inc. is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of one hundred twenty thousand five hundred dollars (\$120,500) for willfully and repeatedly violating Section 303(q) of the Act, and Sections 17.51(b) and 17.4(a) of the Rules.

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<sup>31</sup> Cf. *SpectraSite Communications, Inc.*, 17 FCC Rcd 7884 at 7889 (base forfeiture amount tripled); *AT&T Wireless Services, Inc.*, 17 FCC Rcd at 7896 (base forfeiture amount tripled); *TeleCorp Communications, Inc.*, 16 FCC Rcd 805, 807 (Enf. Bur. 2001) (base forfeiture amount doubled).

<sup>32</sup> See also 47 C.F.R. § 1.80, Note to paragraph (b)(4): Section II. Adjustment Criteria for Section 503 Forfeitures.

<sup>33</sup> The *NAL* covers only the portion of this period within one year of the release date of this *NAL*.

<sup>34</sup> See 47 C.F.R. § 1.80(b)(3).

<sup>35</sup> We note that the Wireless Telecommunications Bureau recently announced a 60-day amnesty period to owners of antenna structures identified in its initial quarterly audit who may be in violation of the Commission's antenna structure registration rules. See Public Notice, *Wireless Telecommunications Bureau Announces 60-Day Amnesty for Structures Identified in Initial Quarterly Audit of Antenna Structures*, DA 03-2411 (released July 23, 2003). The two antenna structures involved in this proceeding are not among those for which amnesty has been granted. Furthermore, SpectraSite can not claim it is unaware of its responsibilities regarding antenna registration because SpectraSite has been informed by our prior enforcement actions (which included registration violations) of its responsibilities for meeting the requirements of our tower rules.

<sup>36</sup> 47 U.S.C. § 308(b).

22. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this *NAL*, SpectraSite Communications, Inc. **SHALL PAY** the full amount of the proposed forfeiture amount or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

23. **IT IS FURTHER ORDERED** that, pursuant to Section 308(b) of the Act, SpectraSite must submit the reports described in paragraph 20 no later than thirty (30) days from the release date of this *NAL* to: Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, Attention: Jacqueline Ellington, Room 7-728.

24. Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200332640008 and FRN # 0006-1525-73. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>37</sup>

25. The response if any must be mailed to Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division and must include the NAL/Acct. No. 200332640008.

26. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

27. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this *NAL*, either in your response to the *NAL* or in a separate filing to be sent to the Spectrum Enforcement Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC's Office of Communications Business Opportunities ("OCBO") set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

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<sup>37</sup> See 47 C.F.R. § 1.1914.

28. **IT IS FURTHER ORDERED** that a copy of this *NAL* shall be sent by Certified Mail Return Receipt Requested to SpectraSite Communications, Inc., 100 Regency Forest Drive, Cary, North Carolina 27511.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary



## Attachment A

## FCC List of Small Entities

As described below, a “small entity” may be a small organization, a small governmental jurisdiction, or a small business.

(1) Small Organization	
Any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.	
(2) Small Governmental Jurisdiction	
Governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.	
(3) Small Business	
Any business concern that is independently owned and operated and is not dominant in its field, <i>and</i> meets the pertinent size criterion described below.	
Industry Type	Description of Small Business Size Standards
<i>Cable Services or Systems</i>	
Cable Systems	Special Size Standard – <b>Small Cable Company</b> has 400,000 Subscribers Nationwide or Fewer
Cable and Other Program Distribution	\$12.5 Million in Annual Receipts or Less
Open Video Systems	
<i>Common Carrier Services and Related Entities</i>	
Wireline Carriers and Service providers	1,500 Employees or Fewer
Local Exchange Carriers, Competitive Access Providers, Interexchange Carriers, Operator Service Providers, Payphone Providers, and Resellers	

**Note:** With the exception of Cable Systems, all size standards are expressed in either millions of dollars or number of employees and are generally the average annual receipts or the average employment of a firm. Directions for calculating average annual receipts and average employment of a firm can be found in 13 CFR 121.104 and 13 CFR 121.106, respectively.

### *International Services*

International Broadcast Stations	\$12.5 Million in Annual Receipts or Less
International Public Fixed Radio (Public and Control Stations)	
Fixed Satellite Transmit/Receive Earth Stations	
Fixed Satellite Very Small Aperture Terminal Systems	
Mobile Satellite Earth Stations	
Radio Determination Satellite Earth Stations	
Geostationary Space Stations	
Non-Geostationary Space Stations	
Direct Broadcast Satellites	
Home Satellite Dish Service	
<b>Mass Media Services</b>	
Television Services	\$12 Million in Annual Receipts or Less
Low Power Television Services and Television Translator Stations	
TV Auxiliary, Special Broadcast and Other Program Distribution Services	
Radio Services	\$6 Million in Annual Receipts or Less
Radio Auxiliary, Special Broadcast and Other Program Distribution Services	
Multipoint Distribution Service	
	Auction Special Size Standard – <b>Small Business</b> is less than \$40M in annual gross revenues for three preceding years
<b>Wireless and Commercial Mobile Services</b>	
Cellular Licensees	1,500 Employees or Fewer
220 MHz Radio Service – Phase I Licensees	
220 MHz Radio Service – Phase II Licensees	
700 MHZ Guard Band Licensees	Auction special size standard - <b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and controlling principals) <b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three years (includes affiliates and controlling principals)
Private and Common Carrier Paging	
Broadband Personal Communications Services (Blocks A, B, D, and E)	1,500 Employees or Fewer
Broadband Personal Communications Services (Block C)	Auction special size standard - <b>Small Business</b> is \$40M or less in annual gross revenues for three previous calendar years <b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three calendar years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Broadband Personal Communications Services (Block F)	
Narrowband Personal Communications Services	
Rural Radiotelephone Service	1,500 Employees or Fewer
Air-Ground Radiotelephone Service	
800 MHz Specialized Mobile Radio	Auction special size standard - <b>Small Business</b> is \$15M or less average annual gross revenues for three preceding calendar years
900 MHz Specialized Mobile Radio	
Private Land Mobile Radio	1,500 Employees or Fewer
Amateur Radio Service	N/A
Aviation and Marine Radio Service	

Fixed Microwave Services	1,500 Employees or Fewer
Public Safety Radio Services	<b>Small Business</b> is 1,500 employees or less <b>Small Government Entities</b> has population of less than 50,000 persons
Wireless Telephony and Paging and Messaging	1,500 Employees or Fewer
Personal Radio Services	N/A
Offshore Radiotelephone Service	1,500 Employees or Fewer
Wireless Communications Services	<b>Small Business</b> is \$40M or less average annual gross revenues for three preceding years <b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three years
39 GHz Service	
Multipoint Distribution Service	Auction special size standard (1996) – <b>Small Business</b> is \$40M or less average annual gross revenues for three preceding calendar years Prior to Auction – <b>Small Business</b> has annual revenue of \$12.5M or less
Multichannel Multipoint Distribution Service	\$12.5 Million in Annual Receipts or Less
Instructional Television Fixed Service	
Local Multipoint Distribution Service	Auction special size standard (1998) – <b>Small Business</b> is \$40M or less average annual gross revenues for three preceding years <b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three years
218-219 MHZ Service	First Auction special size standard (1994) – <b>Small Business</b> is an entity that, together with its affiliates, has no more than a \$6M net worth and, after federal income taxes (excluding carryover losses) has no more than \$2M in annual profits each year for the previous two years New Standard – <b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) <b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Satellite Master Antenna Television Systems	\$12.5 Million in Annual Receipts or Less
24 GHz – Incumbent Licensees	1,500 Employees or Fewer
24 GHz – Future Licensees	<b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) <b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
<b>Miscellaneous</b>	
On-Line Information Services	\$18 Million in Annual Receipts or Less
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturers	750 Employees or Fewer
Audio and Video Equipment Manufacturers	
Telephone Apparatus Manufacturers (Except Cellular)	1,000 Employees or Fewer
Medical Implant Device Manufacturers	500 Employees or Fewer

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Hospitals	\$29 Million in Annual Receipts or Less
Nursing Homes	\$11.5 Million in Annual Receipts or Less
Hotels and Motels	\$6 Million in Annual Receipts or Less
Tower Owners	(See Lessee's Type of Business)